

Message Text

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ORIGIN AEC-11

INFO OCT-01 EUR-25 IO-14 ISO-00 SCI-06 L-03 ACDA-19

CIAE-00 INR-10 NSAE-00 NSC-07 RSC-01 FEA-02 /099 R

66617
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EUR/EE - E D SEGALL

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P R 222204Z APR 74
FM SECSTATE WASHDC
TO USMISSION IAEA VIENNA PRIORITY
INFO AMEMBASSY BELGRADE
AMCONSUL ZAGREB

CONFIDENTIAL STATE 081642

E.O. 11652: N/A
TAGS: IAEA, ENGR, TECH, YO
SUBJECT: KRSKO NUCLEAR POWER PROJECT

REF: (A) VIENNA 3524; (B) STATE 79230

1. APPRECIATE CLARIFICATION PARA ONE REF A. HOWEVER, IT
NOT CLEAR WHETHER UTILITY GROUP TO ACT ON BEHALF OF YUGO-
SLAVIA (AS CFE DID FOR MEXICO) IN CONNECTION WITH IMPLI-
MENTATION LONG-TERM CONTRACT WITH AEC. RESOLUTION THIS
ISSUE CRUCIAL TO FURTHER DISCUSSION OF PARTICULAR TERMS
OF SUPPLY AGREEMENT AND LTC. IF ANSWER AFFIRMATIVE, THEN
SHOULD BE REFLECTED IN SUPPLY AGREEMENT. THIS MIGHT BE
ACCOMPLISHED BY ADDING PHRASE "ACTING ON BEHALF
OF YUGOSLAVIA" AFTER NAMES OF UTILITIES AND BEFORE "(HERE-
INAFTER CALLED THE LONG-TERM CONTRACT)" AT END OF THIRD
WHEREAS CLAUSE, WITH ALL SUBSEQUENT REFERENCES IN SUPPLY
AGREEMENT TO "YUGOSLAVIA," (SIMILAR TO MEXICAN SUPPLY
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AGREEMENT).

2. IF ANSWER NEGATIVE, THEN NOT CLEAR HOW UTILITY GROUP, WHICH IS NOT PARTY TO SUPPLY AGREEMENT, CAN BE BOUND BY TERMS OF SUPPLY AGREEMENT (E.G., OBLIGATIONS ASSUMED BY UTILITY GROUP IN ARTICLES I.2,II.1, III.1.B.). IF INTENT IS NOT TO HAVE YUGOSLAVIA ASSUME ANY OBLIGATIONS FOR LONG-TERM CONTRACT, AND NOT TO HAVE UTILITY GROUP PARTY TO SUPPLY AGREEMENT, THEN RECOMMEND DELETION OF ANY REFERENCE TO SUBSTANTIVE TERMS OF LONG-TERM CONTRACT IN SUPPLY AGREEMENT, E.G., ART.I.2., SECOND SENTENCE; ART.II.1.; ART. III.1.A; ART. III.1.B., FIRST SENTENCE; ARTIII.1; AND ART. VI.Q.

3. WE BELIEVE THAT, ON BALANCE, WOULD BE SIMPLER AND MORE EXPEDITIOUS TO FOLLOW MEXICAN PATTERN IF POSSIBLE. SECOND REROUTE MORE COMPLEX, IN VIEW NEED TO ASSURE NO CONFLICT BETWEEN US OBLIGATIONS TO IAEA AND YUGOSLAVIA ON ONE HAND, AND TO UTILITY GROUP, ON OTHER. THIS PROBLEM PARTICULARLY ACUTE CONCERNING PROCEDURE FOR RESOLVING MEASUREMENT DIFFERENCES, AND ARBITRATION PROCEDURES, IN VIEW NEED TO ASSURE THAT SUCH DISPUTES NOT SUBJECT TO MORE THAN ONE ARBITRAL PROCEDURE, WITH POSSIBILITY INCONSISTENT RESULTS.

4. ADVISE. KISSINGER

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Message Attributes

Automatic Decaptoning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: NUCLEAR AGREEMENTS, SUPPLIES, NUCLEAR POWER PLANTS, PROGRAMS (PROJECTS), NUCLEAR FUELS, NEGOTIATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 22 APR 1974
Decapton Date: 01 JAN 1960
Decapton Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE081642
Document Source: CORE
Document Unique ID: 00
Drafter: USAEC:D/AD/A
Enclosure: DG ALTERED
Executive Order: GS
Errors: N/A
Film Number: D740094-0330
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740424/aaaaauub.tel
Line Count: 85
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN AEC
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: (A) VIENNA 3524; (B) STATE 79230
Review Action: RELEASED, APPROVED
Review Authority: golinofr
Review Comment: n/a
Review Content Flags:
Review Date: 20 MAR 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <20 MAR 2002 by collinp0>; APPROVED <07 MAY 2002 by golinofr>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: KRSKO NUCLEAR POWER PROJECT
TAGS: ENRG, TECH, YO, IAEA
To: IAEA VIENNA
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005